

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER OF DETENTION PENDING
)	FINAL HEARING ON PETITION
vs.)	
Wesley Robert Sweeney,)	Case No. 3:12-cr-78
)	
Defendant.)	

In accordance with Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), I conclude that the following facts require the detention of the defendant.

PART I – FINDINGS AND CONCLUSIONS

Alternative A – The Court finds one or more of the following:

- ☒ (1) The Defendant has not proven by clear and convincing evidence that the defendant is not likely to flee.
- ☒ (2) The Defendant has not proven by clear and convincing evidence that the defendant does not pose a danger to the safety of other persons or the community.

Alternative B – The Court finds one of the following:

- ☐ (1) Defendant does not contest detention at this time.
- ☐ (2) Defendant is not eligible for release at this time.

PART II – WRITTEN STATEMENT OF REASONS FOR DETENTION

A petition alleges Wesley Robert Sweeney violated supervised release conditions, and the United States moved for his detention pending a July 22, 2024 hearing on the petition. The court held a detention hearing on May 17, 2024. The United States proposed release to a residential reentry center, and the supervising probation officer supported that proposal. Sweeney requested release to his Manvel, North Dakota, residence and described an employment opportunity available to him if released to reside there. At this time, the court finds an RRC placement necessary to overcome the presumption of detention that applies in post-conviction matters. Sweeney will remain in custody pending availability of an RRC placement. But after more detailed information is available about Sweeney's requested release plan, the court will consider that plan.

PART III – DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or designated representative for confinement in a corrections facility. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States marshal for the purpose of an appearance in connection with court proceedings.

Date: May 17, 2024

/s/ Alice R. Senechal, Magistrate Judge
United States Magistrate Judge